

Remarks/Arguments

The claims are rejected under 35 USC 103(a) as being unpatentable over Myers (6,443,237).

Claim 1 is amended to set forth that the apex extending from adjacent the nose leading edge terminates in an aft end at a central fore-and-aft location on the main body . The wings include forwardmost portions located adjacent the aft end of the apex. Clearly, the forwardmost portions of the wings of the Myers (6,443,237) structure are substantially ahead of the aft end of the apex. The advantages of the structure of claim 1 are set forth in the response to the previous office action. Therefore, claim 1 and claims 3 - 5 and 8 dependent therefrom are believed to be in order for allowance.

Claim 6 is now written in independent form and amended to generally include most of the limitations of claim 1. Claim 6 sets forth that the main body has a bifurcated attaching area adapted to receive a lower mounting end of the shank, the bifurcated end having walls with a thickness of at least one half an inch and including apertures for receiving mounting bolt structure with bolt ends having end diameters recessed within the apertures. The apertures have diameters greater than the bolt end diameters for retaining the shank body without tightening of the bolt ends directly against the attaching area, the wall thickness and aperture diameter preventing the moving soil from wearing the mounting bolt structure. Myers shows a conventional thin wall construction wherein the connecting bolt ends are exposed and subject to wear. The combination of the thick walls recessing the bolt ends and the bolt ends having smaller diameters than the apertures in combination with the remaining point structure is not shown or suggested in the art and provides a strong mounting area protecting the bolts from wear. The combination of walls thick enough to completely recess the bolts and large bolt holes that eliminate direct clamping of the tightened bolt directly against the bifurcated generally eliminate breakage due to brittleness in the mounting area, even with materials such as carbide austempered ductile iron (claim 7). Therefore, claims 6 and 7 are believed to be in order for allowance.

Claim 9 as presented sets forth that the apex (44) extends from adjacent the leading nose to an aft end (apex area 44') at a central portion of the main body portion, and the leading edges of the wings are located substantially entirely behind the aft end of the apex (see Figs. 1 and 4). Myers fails to show or suggest such rearwardly located wing structure. The leading edges of the wing structures in Myers are located forwardly of the rear portion of the apex of each. Therefore, allowance of claim 9, and claim 10 - 15 dependent therefrom is respectfully urged.

The remaining independent claim, claim 16, sets forth that the leading wing edges are located near a lowermost extremity main body so the wings enter the soil at a level just above a level of entry of the leading nose edge and initiate a second fracture of the compacted layer. Also, the wings have leading wing edges located entirely rearwardly of a forwardmost portion of the forward soil-parting shin edge and below the top surface. The Myers reference shows leading wing edges located entirely forwardly of the soil parting edge of the shin 14. In addition, the wings of Myer enter the soil substantially above the level of entry of the leading nose edge at the top surface. The combination of structure as set forth in claim 16 simply is not shown or suggested by a fair reading of the references without the benefit of hindsight.

Arguments for the remaining dependent claims were presented in an earlier amendment and will not be repeated here. It is believed that specific structure is claimed, and that the claims as now presented patentably define over the references.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested. If for any reason the Examiner believes the amendment fails to put the case in condition for allowance, applicants' attorney requests that he call him at the number listed below.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

  
Attorney for Applicant(s)

Duane A. Coordes  
Reg. No. 27,531  
Patent Department  
Deere & Company  
One John Deere Place  
Moline, IL 61265  
Telephone No. (309) 765-4383

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
on: 9 December 2005  
Date

Deere & Company  
  
Signature Date 9 Dec 05